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Terrorism and Disarmament

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Contents

Preface	v
Introduction	
<i>Jayantha Dhanapala</i>	1
Overview of the terrorist threat to international peace and security	
<i>Paul Wilkinson</i>	5
The threat of nuclear terrorism: assessment and preventive action	
<i>Anita Nilsson</i>	19
Chemical weapons and terrorism	
<i>Mikhail Berdennikov</i>	29
Bio-terrorism and the Biological Weapons Convention	
<i>Tibor Tóth</i>	38
Terrorism and small arms and light weapons	
<i>Rohan Gunaratna</i>	50
Financing weapons acquisitions by terrorists	
<i>Vladimir P. Salov</i>	58

PREFACE

In addressing the General Assembly at the opening of its debate on international terrorism (1 to 5 October 2001), the Secretary-General warned that a single attack involving a nuclear or biological weapon could kill millions. "While the world was unable to prevent the 11 September attacks, there is much we can do to help prevent future terrorist acts carried out with weapons of mass destruction," he emphasized, calling for redoubled efforts to implement key treaties relating to those arms, closer cooperation among international organizations dealing with them, and tighter national legislation covering the exports of goods and technologies used in their production. Many representatives from all countries and all regions echoed the Secretary-General's sentiment during the debate. The general conclusion was that all countries could be affected in some form or another by such a fearful proposition, and all countries must work together to prevent it.

To gain a greater understanding of the increased threat of international terrorism today, the Department for Disarmament Affairs sponsored a panel of high-level experts to discuss terrorism and its relationship to disarmament. Two leading experts from the Centre for the Study of Terrorism and Political Violence at the University of St. Andrews in Scotland, Professor Wilkinson and Dr. Gunaratna, put the attacks on the United States in an historical perspective, present some of the repercussions of the unprecedented scope of the attacks and give their views on how international institutions and agreements can assist in combating future acts of this kind. Mr. Vladimir P. Salov of the Russian Federation addresses the suppression of financing of terrorism and how Russia works towards that end.

The IAEA has been trying for almost 50 years to safeguard nuclear materials from diversions to nuclear-weapon users and, in recent years, working more intensively on physical protection of nuclear material. Dr. Nilsson's presentation underscores the symbiotic relationship between disarmament and counter-terrorism.

In the very midst of an unprecedented bio-terrorist attack on the United States, the long-standing chairman of the expert group of the Biological Weapons Convention charged with developing a verification protocol for the Convention, Ambassador Tóth (Hungary), relates his vision of how an international verification system could serve as an impediment to future attacks. The Organisation for the Prohibition of Chemical Weapons has been a full-fledged international organization since the Chemical Weapons Convention entered into force in 1997. Its inspection system is the most stringent verification regime to date in a disarmament convention. Mr. Berdennikov explains how the Convention and the cooperative effort of the States parties in the verification system is the best coalition against chemical terrorism.

Introduction

*Jayantha Dhanapala**

The role of non-state actors, asymmetric warfare and the threat of terrorism with weapons of mass destruction have been the subjects of discussions within the disarmament community for many years. Speculation ended abruptly on 11 September when knives, boxcutters and hijacked fuel-laden commercial planes were used by suicidal fanatics to attack the United States. It is incumbent on the international community to ensure that such an abhorrent act never happens again and that global institutions are strengthened to cooperate as a human family against such common threats.

For its part, the United Nations reacted to these events with remarkable speed and solidarity. It adopted three initiatives condemning the terrorist attacks and calling for international cooperation to prevent and combat terrorism—General Assembly resolution 56/1 and Security Council resolutions S/1368 (2001) and 1737 (2001). In his address to the 56th session of the General Assembly on 1 October, Secretary-General Kofi Annan urged us to “build on that wave of human solidarity—to ensure that the momentum was not lost, to develop a broad, comprehensive and above all sustained strategy to combat terrorism and eradicate it from our world”.

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The holding of the Symposium on Terrorism and Disarmament and this publication is aimed precisely at achieving that task.

Disarmament needs a common strategy to deal with this global challenge while pressing ahead with its objectives of achieving a common security by totally eliminating weapons of mass destruction and reducing conventional arms to the lowest possible level for legitimate national defence. While the elements of this strategy must include a strengthened legal regime, the Secretary-General has said that the search for legal precision must be driven by the need for moral clarity. Heightened vigilance and prioritization of disarmament goals are among other elements.

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Weapon-based security not only perpetuates the wrong value system internationally. It also increases weapon stocks and the danger of their acquisition by non-state actors and individual warlords with calamitous consequences. The increasing number and sophistication of weaponry and expensive defence systems will not protect us from terrorism. Just as the derogation from fundamental human rights cannot be justified by the fight against terrorism, so short-term expediency should not lead us to compromise disarmament and non-proliferation norms. Weakened or unevenly applied disarmament norms feed terrorism as lessons from recent history have taught us.

The danger of terrorism involving weapons of mass destruction needs to be assessed realistically so that appropriate precautions can be taken. Objective facts require that we be neither alarmist sowers of panic, nor complacent do-nothings. No doubt, the consequences from the use of just one weapon of mass destruction by terrorists would be devastating. We need, however, to examine whether and in what quantities materials are available; the technology needed to weaponize these materials and, finally, what delivery methods could be used. This analysis will help to strengthen existing legal norms and to create new ones to block any loopholes. It will help redouble the cooperation among Member States, international and non-governmental organizations. The support and vigilance of civil society is vital. One of the aims of terrorism is to cause panic. To avoid it, greater security and scrutiny are obviously necessary. Several obstacles remain to assure full implementation or strengthening of existing global norms against the use of weapons of mass destruction, in particular chemical and biological weapons.

The United Nations provides a forum for designing the strategy in the battle against terrorism in a number of ways. Progress is presently being made on a final agreement on a comprehensive convention on international terrorism. The political, economic and social causes of

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terrorism will be examined. The First Committee on international peace and security issues adopted a resolution on "Global efforts against terrorism in the area of disarmament and non-proliferation", proposed by the Chairman Ambassador André Erdős of Hungary (resolution 56/24 T).

The following presentations from the Symposium on Terrorism and Disarmament will clarify some of the issues just outlined and present proposals for new paths of cooperation to address existing and potential terrorist uses of weapons—both conventional and mass destruction. There will be a need for technical assistance in many instances. We will also need to examine and prevent new types of weapons, even the use of implements and objects as well as new targets. What is clear is that old concepts of deterrence and theories of conventional war are not applicable in the battle against terrorism. While various forms of fanaticism and anarchism have existed throughout history, today's capability of indiscriminate violence calculated to produce chaos and endanger civilian populations is far greater and much more destructive and dangerous. It is incumbent on the international community to strengthen the rule of international law in international relations and unite around the norms of civilized societies. Greater progress must be made to achieve our disarmament and non-proliferation goals and thereby contribute to the creation of a safer and better world where terrorism cannot breed and flourish.

* * *

Overview of the terrorist threat to international peace and security

*Paul Wilkinson**

I have been asked to deal with the implications of terrorism for international peace and security, and I am going to deal first with the escalation to mass terrorism. It is clear in the events of 11 September that we have crossed a terrible watershed for terrorism, which has been largely seen as a form of low-intensity conflict, very often of main concern to the governments of a particular country, as a relatively routine problem of security and law and order.

Mass terrorism

We are now dealing with cases of sub-state groups inflicting death on such a scale that we cannot describe it in any other way than by the description "mass terrorism". More people died in one day on 11 September than died in 35 years of sub-State terrorism in Western Europe. That includes all the

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Northern Ireland terrorism, both republican and royalist, the ETA terrorism in the Basque region of Spain spilling over into the rest of Spain, all the Red Army and Red Brigade terrorism of the 70's and early 80's, the fascist or neo-fascist terrorism of that period and, more recently, indeed all types of terrorist attacks—domestic and international—in Western Europe during that whole period.

The statistics should give you some sense of the dramatic escalation in lethality that we are dealing with in the atrocities in the United States. To put another figure to you, which, I think, dramatizes the increase in the lethality of terrorism, the figure of total deaths in the American atrocities exceeds the total deaths through international terrorism recorded in the major academic chronologies over a 20-year period, that is, incidents of terrorism involving the citizens of more than one country.

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We are dealing with a much more strategic level of threat. Indeed, it is a strategic threat, not simply to the United States, but to the international community. It is clearly a step towards the kind of terrorism that has been constantly discussed in the special academic fora in which students of violence have exchanged views, that is, the possibilities of terrorists

using chemical, biological and nuclear weapons. It has made that kind of mass lethality terrorism far more likely and, though there is no confirmation of this from intelligence sources in the criminal investigations so far, it may well be that the source of the anthrax attacks that we are seeing in the United States is, in fact, the same source as the group that masterminded the atrocities, the suicide hijacking of airliners.

It is, in fact, worth reminding ourselves that the airline suicide hijackings are themselves a form of mass destruction terrorism, and that that threat is something which our aviation security was totally inadequate to prevent, and this is not simply a feature of aviation security in America. It is, sadly, characteristic of aviation security in general around the world. I am sorry to say that that threat is still a real one. It would be dishonest of me as a person who specialized in the problems of aviation terrorism and aviation security for many years to pretend that we had already taken the necessary measures to ensure that this kind of mass terrorist attack will not happen again.

Sadly, in recent weeks I have flown many thousands of miles in aircraft in which it was perfectly easy to move from the passenger cabin into the cockpit. I have flown in aircraft where there was no form of sky marshal protection. Yet, against the suicide hijacking threat, given the inadequate level of ground airport security that exists in many airports in the world, in-flight security is clearly absolutely vital. So, when we talk about escalation to mass terrorism, we should not

simply be thinking of the more exotic unconventional weapons that we have always feared might be used by terrorists. We should be thinking of some of the adaptations of traditional techniques, such as hijacking of airliners, turning commercial airplanes into weapons of mass destruction, and we should be trying to take comprehensive steps to protect our communities against that type of attack.

Impact on the United States

What is the impact of this latest development on the United States itself? Clearly, grief, shock, a sense of the vulnerability of the United States' own territory to the phenomenon of terrorism. But, on the other side of the picture, an inspiring strength of purpose, of courage, in the American democracy, a determination not to be intimidated by the cowardly evil of those who were responsible for those devastating attacks. America has not been cowered by those attacks into retreating from its foreign policy responsibilities in the wider world. On the contrary, the United States has shown an energetic global activism, maintaining its interest in the Middle East peace process, maintaining its humanitarian effort in aid to those areas of the world that are in so desperate need of it and, of course, sustaining its interest in increasing peace and stability in other parts of the world. And so, those who assume that terror, even on a mass scale, will automatically cower a country into retreating from its responsibilities and changing its political sys-

tem or its foreign policy behavior, are once again, I am glad to say, shown to be totally deluded.

Impact on the international community

The impact on the international community is one of genuine outrage and heartfelt sympathy—a tremendous upsurge of sympathy—for America, for the victims and the bereaved, the realization that this is a threat to us all. It has also meant the swift emergence of an extraordinarily wide global coalition against terrorism, an intensive global criminal justice investigation, involving cooperation with a remarkable range of countries, a global intelligence effort, sharing intelligence on a scale not seen since the early 1990s in the crisis when Iraq invaded Kuwait.

Other important consequences for the international community are the military operations in Afghanistan; sadly, a humanitarian crisis in Afghanistan which already existed on account of the poverty and enormous hardship suffered by that long-suffering people, spilling over into the refugee camps on the Pakistan side of the border; disruption and damage not only to the United States economy but to the global economy; and, of course, the plight of the aviation industry has been one that has been most immediately noticed. The attacks have been felt in the aerospace industry, in tourism, in the financial sector, in the confidence in the stock markets, and so on. One should not underestimate the disrupting effect of mass terrorism on the general well-being of the global

economy, though I, for one, fully believe that confidence will be restored—is being restored—and that economic stability and growth can be achieved by ensuring that we tackle this problem of international terrorism with urgency and calm determination.

Positive developments are also worth noting. As Lech Walesa, the Polish President has remarked,

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what this crisis has brought forward is “a new era of global cooperation”. And I believe we really are seeing that. I noticed in my recent travels to Greece and in my discussions with colleagues in Asia and in Africa a

change in the climate of public opinion regarding terrorism, even in countries traditionally reluctant to view it as a problem, or to take any significant action against it. Interesting too are the various terrorist groups around the world who have been put on the defensive by the enormous upsurge of international determination to tackle terrorism. I am sure that the improved situation of the peace process in Northern Ireland is not unconnected with this hardening of international resolve and determination to resist terrorism in all its various manifestations. It is interesting too that the Spanish government is now, I think, in a stronger position to exert pressure to bring an end to ETA's murderous terrorist campaign that has been going on within its borders in recent months.

It is also important to remember that we have many Islamic countries in the coalition against terrorism. I found it very difficult to understand why a well-known commentator on international affairs has suggested in a news broadcast that the structure of the coalition did not matter, that it did not matter whether there were Muslim countries in that international coalition or not. I think that showed a total misunderstanding of what this campaign about terrorism is really concerned with. This is not a coalition against any particular ethnic or religious group. It is a coalition against terrorism, a method of violence that law-abiding people and law-abiding countries in the world have come to recognize as simply unacceptable, because it is a massive violation of human rights. It is essentially a human rights problem, just in the same way that war crimes by States are human rights problems. It is not something we

can afford to tolerate and regard with complacency, as something we do not need to act on. Therefore, it is very significant that Muslim countries, such as Pakistan, have made clear

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their determination to be part of this coalition and to try to cooperate as well as they can, and often, as we see in the case of Pakistan, in very difficult circumstances, to try to tackle this threat. It is also important to note that countries that perhaps, previously, were not so willing to cooperate with the United States,

have joined the United States with great determination to try to bring an end to this challenge to human rights.

Illegitimacy of terrorism

I would argue that what the latest development in mass terrorism has shown is that the big fault line in the international system is not actually between civilizations in some terrible confrontation, not a clash of religions—thank goodness—the last thing we want is some terrible renewal of religious wars of the kind that we had in earlier historical periods. That would be a disaster for humanity, a disaster for peace and security. What we have is a fault line, in the case of this campaign against terrorism, between those who believe that terrorism is a perfectly legitimate, acceptable means of fighting for a political or religious cause, and those who would argue that, as a method, because it is inherently a threat to the most fundamental human right, it is unacceptable and must be curbed and the international community must seek to eradicate it.

Need for global action

This particular problem that we face in relation to the attacks in America, the Al Qaeda network which masterminded those attacks, is an illustration of the complex and transnational nature of this phenomenon. It is a hydra. It is true that if the action by the coalition allies succeeds in capturing and bringing Osama bin Laden to justice, it will certainly inflict major damage

on Al Qaeda and, hopefully, a psychological blow to the organization to bring the organization to its decline. But, I fear that will not be by itself enough to dismantle this transnational network.

We are beginning to see in Europe and elsewhere how well-entrenched this network has become, with many support networks as well as operational cells working for Al Qaeda in many countries, and we still are unable to unravel all the links between those various branches of the network. We, therefore, need to remember that globalization, which is particularly evident in the Al Qaeda network, has affected the whole phenomenon of terrorism. Even those groups which we tend to think of as internal or domestic terrorist groups have a geographically dispersed network of supporters managing to pump in considerable finances as well as propaganda and armament support through their causes.

We have to remember that those networks, in the case of all protracted terrorist campaigns, are an essential part of keeping those campaigns going. They would not be able to carry out murder and destruction so effectively if we were able to eradicate these support networks in countries where they have operated in virtual safe havens. In order to dismantle this hydra's tentacles of international support networks, we need

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global cooperation. It is, therefore, a global strategy that is needed. There is no way that a superpower or a coalition of major powers alone can really hope to succeed in this long-term battle to eradicate the terrorist

threat to human rights. It has to be a multilateral effort involving the world organizations in a prime role.

Role of the United Nations

There is a key role for the United Nations here, and it is very heartening to see in the strong Security Council resolution, in the work of the committee to counter terrorism and in the work of the Department for Disarmament Affairs, a high priority given to combating this terrorist threat. The United Nations has a number of important roles to play. It has, in its conventions, set very important standards for national governments and their law enforcement agencies to achieve, and we should not underestimate the importance of that standard setting.

We know that in some countries who have failed to fully implement those conventions or to consistently uphold them, the standard setting itself places a pressure on national governments to conform to standards of lawful behavior that are important to a civilized international community. And it is interesting that in countries which are now considering their

national legislation, reviewing it to address loopholes in their handling of laws on terrorism, time and again, the existence of the UN conventions is being utilized as a means of both defining the nature of the threat and, of course, achieving a certain model of response which is inherent in the United Nations approach.

It is also important to notice the work of the United Nations at the humanitarian level, seeking to assist in those conflict situations that spawn terrorist violence—the work of the UN in Afghanistan is a dramatic illustration of this. I also share the view that has been expressed by many academic observers and international diplomats that the United Nations must have a leading role—indeed a key role in guiding the international community in the aftermath of this effort to track down bin Laden and his key lieutenants and to bring them to justice, because the Afghan people, after years of suffering civil conflict in that country, deserve a chance to recover the means of subsistence, the means of reconstructing their country, which only the many-sided technical capabilities and expertise of the UN can help to bring about. I think the UN is the right agency, the right mechanism to assist in that process.

Counter Proliferation

There is also an absolutely crucial role for

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disarmament and counter-proliferation activities, especially in finding means of enhancing the security of materials that could so easily be used for WMD terrorism. Sadly, there are many countries where there are great deficiencies in the protection of chemical and biological materials which can be used for terrorist purposes. We have already heard allegations that the materials that are being used in the campaign in America were obtained through a relatively easy transaction, from the stock-piles that have been accumulated in other countries. That is still to be confirmed, but it seems likely, if one is dealing with a very high grade of biological weapon, that that happened, in which case the Biological Weapons Convention, so heavily criticized by many, should be revisited. Moreover, I hope that those countries that have become disappointed or disillusioned with the effort at arms control and disarmament in that field, would revisit that problem and attempt to adapt this international legislation more strongly to the prevention of the proliferation of these materials into the hands of terrorists. There are pitfalls in this global strategy; allowing, for example, the campaign against terrorism to turn into some wider conflict or deflecting attention from the task of bringing the terrorists to justice would

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spell disaster. A wider war would be an evil greater than the evil that terrorism presents, and which we are trying to eliminate. I am, therefore, a strong supporter of maintaining a considered, precise and proportionate level of violence to bring the perpetrators of terrorism to justice, making sure that the violence used in order to do that does not threaten the well-being of a whole civilian population.

Pursuit of Justice

I think another final point is the pitfall that many fall into of thinking that there is a simple political solution to every terrorist threat. There are many situations—South Africa, Nicaragua, Northern Ireland, East Timor—where peace processes can succeed in ending conflict, and conflict resolution techniques are clearly appropriate. I strongly support them, and I am a strong supporter of the peace process method.

But for fanatical and incorrigible murderers who are not interested in bargaining, or in re-associating with rational politics, groups like the Aum Shinrikyo in Japan, which was responsible for the sarin nerve gas attack, or the

Osama bin Laden Al Qaeda network, I think the only sensible course is to tackle such challenges to human

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rights and the rule of law by the firm application of a criminal justice response from the international community. We must suppress those who are committed to murdering the innocent.

I believe that we should revisit the international criminal court statute and consider extending it to include international terrorism of the sort we have seen in New York and Washington. I do not see any moral difference between those responsible for such massive violations of human rights and those who are before the Human Rights tribunal for war crimes in the former Yugoslavia. Morally, they are all in the same level of massive violations of human rights, and the International Criminal Court (ICC) should be able to deal with that. I am sure that will have a wide support from the international community.

* * *

The threat of nuclear terrorism: assessment and preventive action

Anita Nilsson*

The International Atomic Energy Agency (IAEA) is an international organization with a global mandate in the atomic energy area. It has a wide assortment of programmes, underpinned by three pillars.

The first pillar, most relevant for security, contains the Agency's responsibilities under the provisions of the Nuclear Non-Proliferation Treaty. When becoming parties to this treaty, non-nuclear weapon States undertake to put all their nuclear material under international control, so called "safeguards". The IAEA verifies that States *honor their undertakings*, use the nuclear materials they possess for peaceful activities only and do not divert them to military use or to any activities related to weapons production. The second pillar relates to the establishment of standards for the safe conduct of nuclear activities. The third pillar involves the development and transfer of technology for peaceful purposes so that as many as possi-

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ble can reap the benefits of the peaceful application of such technologies.

The term "nuclear sector" includes a wide range of activities (see box 1), from nuclear power plants to the use of radiation in beneficial applications, such as diagnostics, cancer treatment and industrial applications. In addition, nuclear fuel cycle facilities prepare fuel, manage spent fuel and take care of waste material. The transport of nuclear and other radioactive materials and waste is another key nuclear activity.

Nuclear material is a basic requirement for any of the peaceful nuclear applications mentioned above. It is, however, also the main ingredient of a nuclear

Box 1

The Nuclear Sector

GLOBAL OVERVIEW

- 438 power reactors
- 504 fuel cycle facilities (250 in operation)
 - 89 uranium mills and conversion plants
 - 22 enrichment plants
 - 59 fuel fabrication plants
 - 67 interim storages
 - 13 reprocessing plants
 - 277 operational research reactors
- Widespread use of radiation sources

weapon. Globally, very large quantities of nuclear materials are recorded (see box 2). In addition to

nuclear material in nuclear power plants, research reactors and fuel cycle facilities, more nuclear materi-

Box 2

Nuclear And Other Radioactive Materials

- Nuclear material under safeguards:
 - 11,000 "significant quantities" as defined in IAEA INFCIRC/153
- Nuclear material outside of safeguards:
 - Highly enriched uranium and plutonium:
 - In the order of 1 000 tonnes
- Nuclear material in military use
- Large number of radioactive sources (many of them not under regular control; "orphaned")

al comes out of the disarmament process. This means that materials that had a military application are now withdrawn from its military use and transferred to peaceful applications. Much of this material is coming from the dismantling of nuclear weapons.

What is the threat from the nuclear sector?

Nuclear materials may be susceptible to threat unless they are properly controlled and protected by Member States. Material can be stolen by terrorists or other criminals, or diverted to a non-peaceful application by a State. If nuclear material gets into the wrong hands, it can be used for nuclear weapons purposes or

dispersed as a radiological weapon (a so-called "dirty" bomb whereby radioactive material is dispersed by means of conventional explosives). Further, the nuclear industry operates nuclear facilities such as research reactors and power plants, which could be a target for sabotage and consequently cause a release of radioactive material. There is also a threat that sabotage involving poorly protected radiation sources could cause a radioactive dispersion.

What evidence is there of such a threat?

In the beginning of the 1990s, reports of cases of illicit trafficking of nuclear and other radioactive materials started to appear from various countries (see box 3). The Agency was requested in 1994 by its General Conference to establish a database on illicit nuclear trafficking to monitor the evolution of this new situation. Since 1993 States parties have confirmed almost 400 cases of illicit trafficking or inadvertent movement. Of the many cases, some have been serious, but most have been trivial. Over time, the frequency of cases has gone down and there has been a change in the type of substances being detected. Instead of nuclear material, other radioactive materials are appearing in increased numbers.

The information available on attempts or threats of sabotage of nuclear facilities is more limited. Since the impact of sabotage on a nuclear facility may be serious, the nuclear industry and responsible governments implement in-depth measures to prevent

sabotage activities from being realized. Recent events demonstrate that there is no room for complacency in this respect.

Box 3

Illicit Trafficking & Inadvertent Movement

Illicit trafficking database programme

- Maintained since 1993
- 70 States assigned a point of contact (POC)
 - Almost 600 incidents, 400 confirmed by States
 - =50% involving nuclear material
 - 19 cases with highly enriched uranium or plutonium
 - =50% involving other radioactive material, 12 sources > 1TB
- 75% of cases within a criminal context

What can be done to improve security?

First, it should be underlined that the responsibility for nuclear material being used only for peaceful purposes and that the material and facilities are adequately protected lies exclusively with States' governments. The IAEA, as an international organization, can help governments to promote certain activities that would increase nuclear security. The Agency does this through a number of programmes (see box 4).

Box 4

IAEA Contributions to Security

- Verification of States' obligations in Safeguards agreements
- Programme for physical security
- Programme on illicit trafficking
- Programme for nuclear installation safety
- Programme for safety and security of radioactive sources
- Emergency response programme

The use of nuclear material is subject to the Nuclear Non-Proliferation Treaty, and the Convention on the Physical Protection of Nuclear Material. Supplementary IAEA documents provide further guidance on the establishment of the necessary control and protection systems. Coincidentally, on the 11 September 2001, the IAEA Board of Governors endorsed a new set of security fundamentals applicable for the physical protection of nuclear material. These fundamentals underline, *inter alia*, that a security culture should be implemented for all kinds of nuclear activities. Although not legally binding, the recommendations published by the IAEA for the physical protection of nuclear material and nuclear facilities (INFCIRC/225/Rev. 4) have obtained widespread international acceptance (see box 5).

The Basic Safety Standards includes a requirement for radioactive sources "to be kept secure so as to prevent theft or damage". Many countries have incorporated this requirement in their national regulations. Other than this, it should be noted that the security of radioactive sources is not covered by a legal obligation (see box 6). A "code of conduct" helps States to take the necessary actions to secure that radioactive sources are kept safe and secure.

The Agency can help States calibrate their physical protection systems, if they so request. The needs for improvements as well as good practices are identified. An incentive for States to request this assistance is to make use of the assessment to demonstrate that it adheres to international standards.

Box 5

The Physical Protection Regime

- Convention on the Physical Protection of Nuclear Material
States Parties to draft a strengthening amendment of the CPPNM
- Security fundamentals
Newly endorsed by IAEA Board and General Conference
- INFCIRC/225/Rev 4 - *Internationally accepted recommendations*

Box 6

Security of Radioactive Sources

- Basic Safety Standards
- Revised Action Plan for the Safety and Security of radiation sources.
- Code of Conduct on the Safety & Security of Radioactive Sources.
- Efforts to locate and bring into safety "orphan sources"
- Services to assess States' regulatory systems for control of radioactive sources
- Management of disused sources
- Safety Guide on the Safety & Security of Radiation Sources (Draft)

Comprehensive security measures also require arrangements for "interdiction", namely, if the prevention of a theft fails, there are systems in place at borders to detect smuggled nuclear material or radioactive sources. This requires awareness and competence in the law enforcement organizations.

The Agency has been offering a wide variety of training in the nuclear security area. In the course of the past ten years, but mainly in the last five years, the Agency has trained more than 1,500 people from nuclear authorities, nuclear facilities and law enforcement authorities, in such programmes.

IAEA database on illicit trafficking

The Agency maintains a database on illicit trafficking and inadvertent movement in order to get a more solid picture of the reality of the situation and share the information with its Member States. This information system will be strengthened to cover in addition to illicit trafficking, other relevant aspects of security. This requires active interaction with Member States points of contacts, and an effective system in place to handle large volumes of information (see box 7).

Box 7

Strengthening IAEA Programmes to Prevent Nuclear Terrorism

- Review all programmes thoroughly with a view to strengthening the activities to prevent nuclear terrorism
- Review the implications of the enhanced threat
- Promote a comprehensive approach to security
- Strengthen the legal instruments for physical protection and extend the scope of States' undertakings
- Promote high security culture in States
- Promote security in all nuclear applications
- Enhance direct assistance to States for improved security

Conclusion

In the light of the events of 11 September, the General Conference requested the IAEA Director General to review thoroughly the activities and programmes of the Agency with a view to strengthening the Agency's work relevant to preventing acts of terrorism involving nuclear materials and other radioactive materials. That review is ongoing and the results will be presented in March to the Board of Governors, including proposals for revisions and updates on relevant programmes.

I would like to underline that preventing nuclear terrorism requires cooperation between States and with international organizations. The problem must be addressed in a comprehensive manner. The events of 11 September demonstrated that the level of security is only as strong as its weakest link. We must therefore strive for strong, comprehensive, internationally accepted security systems. I am convinced in joint efforts that we can make a more secure world.

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Chemical weapons and terrorism

Mikhail Berdennikov*

Toxic chemicals and chemical weapons have already been used as weapons of terror. Our experts at the Organisation for the Prohibition of Chemical Weapons (OPCW) say that if those who used sarin in the Tokyo underground in March 1995 knew how to do it, then the casualties would have been in the thousands. We were overwhelmed and horrified by the use of planes as missiles and we now see the stories about anthrax. However, we should be looking ahead. We should be ready for what has not yet happened on a similar massive scale.

Dangers of chemical weapons

Chemical weapons, in fact, could be the weapons of choice under certain specific circumstances for a number of reasons. They are small. Their effects are devastating, especially on unprotected civilians. If "properly used", they can spare the lives of terrorists. The use of chemical weapons requires a massive and immediate rescue effort. There is no time to lose and there are no antibiotics. Chemical weapons leave behind a level of

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contamination that is very difficult to deal with. OPCW inspectors at facilities which stopped production of chemical weapons 15 to 20 years ago still have to wear full protective gear. This is a dangerous type of weapon of mass destruction that we are talking about.

There are different scenarios for the use of chemical weapons. It may not necessarily even include the use of weapons as such against a military target. Many toxic chemicals in wide use in the global chemical industry, if used as a weapon on unprotected civilians, may be as devastating as the use of a Schedule 1 chemical weapon designed to inflict damage and casualties on protected groups.

An effective anti-terrorist strategy dealing with chemical terrorism has to address all of these possible scenarios, and terrorists should be prevented either from producing or using chemical weapons, as well as from acquiring and using hazardous chemicals as means of inflicting casualties. It is obvious that the lion's share of the work to protect against chemical terrorism lies with national governments. However, we believe that international organizations such as the OPCW do have a role in reducing the risks and the levels of risks involved, in particular, in the longer term.

The Chemical Weapons Convention and terrorism

The OPCW is not a police agency. Our contribution to the cause of fighting chemical terrorism flows from the mandate of the Chemical Weapons Convention (CWC). We deal with materials which terrorists may

acquire, or may wish to acquire, and use as chemical weapons and we must use our right within the mandate of the Convention to ensure that such materials are not diverted to prohibited purposes. We must also ensure that all existing chemical weapons are destroyed.

I will not list all the provisions of CWC which are relevant to this task. I would like to mention, however, that the Convention requires all of its Member States to put in place national legislation, including penal legislation, to pursue its citizens or others on their national territory, or under their jurisdiction or control, who may be engaged in any activity which is in violation of the Convention. The Convention prohibits the development, acquisition, production, stockpiling and use of chemical weapons. Anyone on the territory of the 143 parties to the Chemical Weapons Convention involved in such activities is in fact engaged in criminal activities and they should be punishable by law. The Convention provides a legal basis in the same manner as the conventions against terrorism are designed to deal with that threat.

The Convention also has a mandate to deal with existing stocks of chemical weapons, that is, to ensure that all of them are destroyed within the timelines established under the CWC and in establishing a regime for non-proliferation of dual-use chemicals that can be made into chemical weapons.

The Convention has a number of instruments and mechanisms to implement these objectives and there are various kinds of inspections. This includes the most powerful instrument that has ever been placed in any multilateral disarmament treaty, that is, challenge

inspections, which, in case of concern about compliance, can be requested by any State party against any facility or site in any other State party. Those inspections are conducted with a 12-hour notice. Should there be any concern about activities, including possible terrorist activities, development of chemical weapons, storage of chemical agents, then a challenge inspection is one of the instruments that can be put to use to gain legal access to those locations within the 143 Member States.

Finally, the Convention also requires the Organisation to provide timely and adequate assistance to those who are either threatened with the use of chemical weapons or against whom such weapons have been used.

Destruction of stockpiles

What has the OPCW already done to deal with the threat of chemical weapons? Seventy thousand tons of chemical weapons have been declared by the four chemical weapons possessor States. Of the total of 8.5 million chemical munitions, 1.7 million of those munitions as well as 6,000 tons of chemical weapons have already been destroyed. Sixty-one former chemical weapons production facilities have been declared. Out of those 61, 36 have by now either been fully destroyed or converted for peaceful purposes. The rest have been inventoried with regard to stocks of chemical weapons, and they are being routinely re-inspected to make sure that nothing disappears with regard to the stocks and nothing happens at the chemical weapons production facilities which are either awaiting destruction or conversion.

Inspections

We have so far conducted 1,100 inspections in 49 countries around the world, to monitor both chemical weapons arsenals and also the operations of the global chemical industry. We are, however, not certain about what happens around the world in those countries which have not yet joined the CWC. There are some concerns that some of these countries might have either the capacity to produce chemical weapons or the weapons themselves. In the absence of any access to these countries, or of declarations to the OPCW, we cannot verify the situation and we cannot thus guarantee that these weapons will not be used or threatened to be used by terrorists.

There is a broad range of activities in the global chemical industry relevant to the CWC. The Organisation has received declarations of 4,500 facilities engaged in production in 49 countries around the world. In some instances, these facilities are processing and consuming schedule chemicals and so-called "discrete organic chemicals" which can also be dually used. We have grounds to believe that facilities that are of relevance to CWC may exist in another 30 countries that have not yet submitted declarations to us in accordance with the Convention.

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The OPCW has conducted inspections at all sorts of facilities. With regard to industrial facilities, we have

so far conducted, in over four and a half years of the operation of the Convention, about 300 inspections. Given the existence of 4,500 declared facilities, a total of 300 inspections in four years is not sufficient. Actually, if we were to calculate the maximum number of inspections allowable under the Convention, in any one year, of facilities in the global chemical industry, it would come to around 650 inspections per year. Currently, the budget of the OPCW allows us to conduct only 130 inspections.

National legislation

The Convention stipulates that actions in violation of the Convention by nationals of States parties anywhere in the world should be punishable. That requirement of the Convention has to be translated into national implementing legislation in each State party. So far, we have received information from about 40 per cent of our States parties that they do have legislation in place to implement the CWC. This does not mean that the other States parties do not have such legislation. However, we do not have information from them confirming that. The worst case scenario might mean that a little more than 80 States parties to the CWC may not be in a position to prosecute their nationals for activities prohibited under the Convention.

A similar situation exists with regard to declarable facilities. One of the reasons cited more often than not when we approach States parties and ask them why they have not declared a facility—information about which can be obtained from a variety of open sources,

including Internet—we are told, “Yes, we know about its existence. However, because at present we do not have national implementing legislation, we cannot mandate them to provide us information about their activities for the purposes of the CWC.”

A similar situation hampers the comparison of information received from various States parties about the transfers of chemicals, which is also an important

element of the regime established by the CWC. All States parties are to report which chemicals they have transferred, to whom, and in which quantities. Regrettably, 80 per cent of that information, because it has to be declared on both sides—the recipients and those who provide the chemicals—does not match. The reasons for

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this can be ascribed to different national standards or different reporting requirements. This also is an area where there is a lot of work to be done to make sure that the regime is leak-proof.

Protection against chemical weapons

Twenty-three States parties have by now informed the OPCW about their national programmes for protective purposes. Out of those 23 countries, three said that they do not have such programmes. I am not saying that the situation is like that in all the other members of the CWC, but I think it is safe to assume that the

majority of States parties to the CWC do not have a national capability to deal with chemical weapons attacks or with chemical weapons terrorist acts. That explains why the requirement under the CWC for the Organisation to provide such assistance is so vital. We have received offers of assistance from as many as 31 States parties in the form of the provision gas masks, protective gear, mobile laboratories and de-contamination units. We, however, are tasked with a need to get

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that assistance from where it sits now to where it is needed. This requires money. We have a voluntary fund for assistance, which is precisely the vehicle needed to get the assistance from where it sits to where it is needed. Regrettably, that voluntary fund, after four years of existence of the CWC, is now at \$500,000. We estimate that at least ten times as much will

be required to support any small-scale but meaningful assistance operation.

Cooperation with other international organizations

Cooperation between the OPCW and international organizations is vital in dealing with chemical terrorism. The OPCW works closely with the United Nations, the UN Centre for International Drug Control and Crime Prevention in Vienna, with the anti-terrorism branch of

INTERPOL and with EUROPOL. The Organisation has established a relationship with the World Health Organization, as well as the World Customs Organization, which carries a considerable burden of ensuring that no undeclared shipment passes through the customs organization. Sharing our experience with IAEA is an absolutely essential component in coordinating our activity.

Conclusion

Let me conclude by saying that the CWC is a unique instrument that has elements in it which could be of considerable value to the fight against chemical terrorism. The CWC and the OPCW, however, should not be taken for granted. Because the Convention is signed and ratified, there are politicians that have ticked it off their list of priorities. They seem to believe that once the organization is established, the task has been completed. The world has changed since 11 September. The focus of politicians around the world has to return to those instruments that could help them fight this new battle. There is no need to build a coalition against chemical terrorism. It already exists and it is comprised at present of 143 Member States. This coalition needs to be strengthened and fully utilized.

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Bio-terrorism and the Biological Weapons Convention

*Tibor Tóth**

It is difficult to address the issue of bio-terrorism at this moment, when one of the most frequently cited words in the media is anthrax. Thanks to the media, however, many have now learned as much as some experts who have been working on the issue for years.

We need, nevertheless, to step back to assess the situation in its full complexity. What is going on at present is like looking at the dots of an impressionist painting, and not being able to see the larger picture. We are confronted with twin dangers: overstating the situation or downplaying its seriousness.

The wider impact of the bio-terrorism attacks

It would be an inadmissible simplification to underplay the direct impact of the recent incidents of

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use of anthrax. It is severe. There have been a number of tragic deaths and infections, though the number of victims does not compare to the 11 September attacks.

*The consequences
of the
anthrax attacks
on the United States
have been direct—
disease and death...*

It would be equally unwise to miss the less direct consequences these incidents have had. What are the wider effects of the use or threat of use of anthrax?

At the societal level, these incidents created widespread concern among the population. Finding the right balance between making the public aware of a sustained threat of anthrax use and at the same time not scaring the population is a challenging proposition.

At the federal, state or local level what is at stake is good governance: creating trust that the governmental institutions are fulfilling the tasks required in a situation that is changing on a daily basis.

The work of the United States Congress has never in recent history been suspended. That happened now because of a bio-terrorist attack.

Questions have arisen about the implications that certain countermeasures might have on civil liberties.

The potential economic impact of the anthrax attacks is hard to discern for the moment, but there could be a catalytic effect on the already downward-

turned economy—in the United States or even world wide.

The issue of social justice has been raised. Just two days ago there was a discussion about how to go about testing when there is a critical bottleneck in testing capabilities. Issues related to mass vaccinations came up, such as if small pox vaccinations would be necessary, what would be the required number of doses—300 or just 150 million or whether the full population of the United States or just a part of it should be vaccinated, and what should be the selection criteria ?

*...and indirect—
social,
legislative,
judicial and
economic.*

The impact on the biological weapons prohibition regime

Beyond these critical questions about the wider impact of the anthrax use, there is a concern about the impact of the attacks on the biological weapons prohibition regime itself. There have been earlier instances of efforts to use biological weapons—the 1984 Oregon salmonella incident and the repeated attempts of Aum Shinrikyo between 1990 and 1995 to use botulinum toxin and anthrax in downtown Tokyo. These attempts had a delayed impact. It was not clear at the time of the incidents what exactly had happened. In the case of Aum Shinrikyo, the 1995 incident involving the use of the chemical weapon, sarin, on the

Tokyo subway overshadowed concern about other attempts to use dangerous biological weapons.

For the first time, we are witnessing in real time the breach of an important norm. We know where ground zero was for the physical destruction in the attack against the World Trade Center. Where, however, is ground zero when it comes to a bio-terrorist attack in terms of the moral, political and legal destruction of a prohibition regime? The prohibition against biological weapons is a multi-layered arrangement.

There is an outer layer of the prohibition regime, like recent codification efforts in the negotiations of the ad hoc group of States parties to strengthen the BWC. The next one is the review conferences layer producing incrementally politically binding consensus understandings and interpretations on compliance and implementation. A more inner layer is the 1975 BW Convention containing important legally binding prohibitions. At the inner core of the regime is the 1925 Geneva Protocol, prohibiting under certain circumstances the use of both chemical and biological substances. Precursors to the Geneva Protocol were contained in the 1899 Hague Convention, based on certain customary rules dating back centuries. Furthermore, the use of poisonous materials was historically considered to be repugnant

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to the conscience of mankind. All these layers have been created for years if not for decades to prevent the unthinkable: the deliberate use of diseases as a weapon or as a weapon of terror.

In my judgment, ground zero is the very inner core of the regime and the incidents have affected all the different layers of the regime. Whether the perpetrators of the current incident are nationals or not, the rules and the long-standing taboos have been challenged.

The actual casualties caused is only the small tip of a much bigger iceberg of potential mass destruction.

Bio-terrorism preparedness

How much can a country be prepared to handle a situation like the one being faced in the United States? Though no one should underestimate the tragic consequences of the anthrax release, we are witnessing, nevertheless, a low-scale incident. It is comparable to having a nuclear device and not detonating it, but rather utilizing the radiation effect of its highly enriched uranium. In other words, highly toxic material is being used in a low-scale manner. The actual casualties caused by such a use of the agent is only the small tip of a much bigger iceberg of potential mass destruction. It is harsh reality that even the most advanced military power is having difficulty coping even with just the tip.

The tragic scenario of the attack on the World Trade Center was not predicted by anyone. It would be difficult to make that same point that the potential use of biological weapons was not foreseen. Wherever one looked, in academic work, in analytical tracts, in fiction and non-fiction publications or on film, there were references to the potential danger of the use of biological weapons by terrorists, sub-State actors, or States. At least from the middle of the nineties, one could see important reactions in the United States to the potential use of biological weapons. There were a series of presidential directives, PD-39, 41 and 62, by which billions of dollars were allocated to address the issue of terrorism. Important efforts were initiated by dozens of agencies that made extensive efforts to train rapid reaction forces, hospital personnel and first response teams. Is preparation the right answer? The answer is "yes". If, however, one were to ask whether even the most prepared country is ready to handle such a situation, the answer might be "no". If the question is whether more preparedness is required, again the answer is "yes". At the same time, a critical question is whether one can achieve full preparedness. The answer to that is more difficult. Because the recent incident was low-scale, the full impact is hard to ascertain and the response to it might not be indicative. The lesson learned is not to relax, but to invest whatever one can afford into efforts to further strengthen defence preparedness.

Symptomatic treatment and preventive measures

Is there a "silver bullet" solution that alone could eliminate all the problems posed by biological weapons? Is the symptomatic treatment approach embodied in defence preparedness, training of rapid response teams and providing vaccinations in itself effective enough to handle a situation? Should all the eggs be put in one and only basket of defence/preparedness ?

There is a potential role for preventive measures. These measures belong to multilateral arms control and disarmament. These non-national efforts—they go beyond the efforts of one nation—would not substitute, but complement symptomatic treatment measures. Together with defence/preparedness measures they could be a part of a wider mix of symptomatic treatment and preventive measures. Would multilateral arms control lengthen the lead-time to identify suspicious events on the imaginary radar screen of prevention? Preventive measures are not and will never be foolproof, but they do provide a percentage increase in identification. Is such an additional tool needed? In my judgment, the answer is "yes".

There is a challenge for diplomats and arms control experts to find the right trade-off between enhanced preventive measures and the integrity of defensive, national security or industrial assets. For many, it is not a simple equation, and I would agree with that. But such a trade-off is possible.

There is a need for a fresh approach. I would emphasize that first we have to assess the situation in its full parameters before being able to provide a comprehensive set of remedies.

BWC Ad Hoc Group

There has been a great deal of effort made to strengthen the BW Convention through a compliance regime. For those who have followed closely the proceedings of the Ad Hoc Group of States parties to the Convention, it was clear as of July-August this year that the negotiators faced an impasse. In the light of the complications that arose in July and August this year it is not realistic to believe that in the near future we will be able to consolidate the negotiations undertaken in the Ad Hoc Group.

But even if negotiations had been concluded successfully in August this year and the Protocol signed this autumn, it would have taken at least five years before its implementation started. That means there would still be a political and legal void for taking action that States parties to the Convention would face at present.

Review conferences of the Convention

In the light of such a void of imminent action review conferences and their potential role would deserve closer attention. Review conferences have been taking place every five years to take stock of the

implementation of the Convention. In addition, they have reaffirmed in a soft codification manner the consensus interpretation of States parties about past and future implementation.

The first challenge for the Fifth Review Conference (19 November-7 December 2001) is to reaffirm the validity of the prohibitions of the Convention and the prohibitions of the wider regime. This is extremely important in the light of the gravity of the current challenges.

In addition, the Fifth Review Conference should go beyond the reaffirmation of certain principles. It should consider the practical implications of the ideas it recommends or prescribes. If State parties find those ideas both feasible and affordable the Review Conference should indicate what should be the mechanism to translate these general principles into concrete action.

Another aspect of the BWC that needs attention during the Review Conference is the adherence to it. It is essential to widen the constituency of the Convention. At present, there are 144 States parties to the Convention. Dozens of States parties should have been added to the constituency to create a fuller geographic coverage that would be global in outlook. This becomes extremely important because non-State actors carry out their activity on the physical soil of countries. Those countries that could potentially be a springboard for such activity should be subject to the prohibitions of the Convention.

***Reservations to
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Further, that same requirement is relevant for the 1925 Geneva Protocol. There is not only a need to broaden adherence to the Protocol, but also to remove the reservations attached to it.

This should be expressed by the Review Conference, but followed up with concrete and sustained efforts after the Conference is over.

The Review Conference will have to develop some guidance on how to sustain multilateral efforts to achieve a more comprehensive set of arrangements to strengthen the Convention and to decide how to fulfill in that respect the mandate of the Ad Hoc Group set up in 1994.

The Review Conference will have to have a closer look at what kind of sustained follow-up might be undertaken by States parties. There are precedents. Follow-up action was undertaken by the Second Review Conference in 1987 with the adoption of confidence-building measures and the subsequent annual exchange of information. The Third Review Conference proceedings were also carried forward from 1992 onward by VEREX, the precursor of the Ad Hoc Group.

A number of provisions inscribed in the final documents of previous review conferences might provide, even if incrementally, tangible remedies for

addressing the sub-State and state level threat of biological weapons. Below are several of them:

- Enacting national legislation and other measures to exclude the use of biological and toxin weapons in terrorist or criminal activities;
- Enacting legislation on the physical protection of laboratories and facilities to prevent unauthorized access to, and removal of, biological agents;
- Sharing information about the legislation enacted;
- The investigation mechanism prescribed by the United Nations Security Council for the United Nations Secretary-General;
- The assistance to be provided to States parties in case of the use of biological weapons and the coordinating role of the United Nations;
- The issue of cooperation in the area of infectious diseases, strengthening of public health and disease control;
- The strengthening of data reporting and surveillance of infectious diseases; and
- Cooperation on vaccine development and vaccine production facilities.

Each of these measures, no matter how partial they might be, would provide for concrete action. In addition to them, new measures to strengthen the

Convention need to be identified and carried out through joint efforts or on the basis of national contributions.

Conclusion

As of now, there is sufficient basis to act. The question is whether the new situation will enable us to act more dynamically, and at the same time undertake additional steps required by the necessities of the day.

* * *

Terrorism and small arms and light weapons

*Rohan Gunaratna**

Worldwide terrorist incidents during the past year suggest four key trends.

Ambushes followed by bombings and assassinations remain the most common forms of terrorist attack.

Of all terrorist incidents, international terrorist attacks constitute only 8–12 per cent. If a citizen of more than one country is involved in a terrorist incident, the incident is categorised as an act of international terrorism. A vast majority of terrorist attacks—88–92 per cent—are domestic attacks where both the perpetrator and the victim are from the same country.

The bulk of terrorist campaigns are being fought in the global south, the poorer regions of the world. The most terrorist-affected geographic region is the Asia-Pacific, followed by Sub-Saharan Africa, Latin America, Middle East, and the former Soviet Union. Until 11 September 2001, Western Europe and North America witnessed the lowest level of terrorism.

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The geography of terrorism has changed. With the Middle East peace process following the Oslo Accords, the gravity of international terrorism shifted from the Middle East to Asia. Afghanistan of the 1990s replaced the Syrian-controlled Bekaa Valley of the 1970s and 1980s as the main centre for training several dozen terrorist groups. Although Asia is distant, the threat to the West has not diminished. With access to inexpensive travel, widespread availability of communication technologies and enhanced migration and refugee flows, the terrorist geographic reach has increased. Increasingly, terrorist groups develop transnational propaganda, finance and procurement networks as well as operational infrastructure to mount surveillance and strike targets.

Terrorist weapons

Small arms and light weapons are the main tools of terrorist violence. In terrorist weapons procurement and acquisition, the most discernible trends are:

First, terrorists are increasingly procuring and employing stand-off weapons. Stand-off weapons are rocket-propelled grenade launchers (RPGs), light anti-tank weapons (LAWs), surface-to-air missiles (SAMs), and mortars. These weapons possess higher firepower compared to the standard infantry weapons such as the AK-47, T56, G3 or M16. Furthermore, the stand-off weapons enables the terrorist group to preserve its strength—to reduce its human losses and wastage—and inflict greater damage and destruction to both life and property.

Second, the expertise and technology to improvise low-cost mass-casualty explosive devices have proliferated during the past decade. These low-tech high-impact devices are difficult to detect and therefore to counter. With an expression of interest to kill more, terrorist propensity to strike high prestige as well as symbolic targets has increased.

Detection and disruption

Throughout the 1990s the role of state sponsorship in providing weapons to terrorist groups declined. Largely deterred by international sanctions, governments are reluctant and hesitant to provide weapons to terrorist groups. The threat of detection and sanctions is likely to make the few pariah states even more distant from terrorist sponsorship.

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The post-cold war environment has facilitated the formation and sustenance of state-of-the-art international terrorist propaganda, fund-raising, procurement and shipping networks. Terrorist propaganda and fund-raising is often conducted under the guise of funding charities, human rights and humanitarian work. The funds generated are moved through a series of feeder accounts to procurement accounts. Operating through front-cover sympathetic organisations or cells and using adapted/false end-

user certificates, terrorist groups procure small arms and dual technologies. With the end of the East-West confrontation, the bulk of the small arms procurement has shifted from the Middle East and Southeast Asia to the southern belt of the former Soviet Union and to Eastern Europe as well as to countries where conflicts have ended.

Using flags of convenience, terrorist-chartered or terrorist-owned arms carriers transport weapon supplies to their theatres. These carriers are managed by terrorist front

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and cover companies located in the Western hemisphere and in the Far East. Some 90–95 per cent of the time, these registered carriers engage in perfectly legitimate commercial trade. More than the lack of strength or expertise, it has been the lack of political courage that has impeded States from the interdiction of arms shipments for terrorist groups. For fear of earning the wrath of a foreign terrorist group, many countries—including those in the West—have turned a blind eye to the operation of these carriers.

Unless there is a direct threat, there has been reluctance on the part of many governments to act against arms destined for foreign terrorist groups.

Until the steadfast flow of weapons to conflict zones is disrupted, about 80–90 ongoing high and low

intensity conflicts are likely to persist. With the flow of weapons, low intensity conflicts are likely to graduate into high intensity conflicts. Conversely, with the disruption of arms flows, high intensity conflicts are likely to decline to low intensity conflicts. With arms pipelines assuming an international character, robust local and national mechanisms are of limited use. To effectively regulate the supply of weapons to terrorist groups, bilateral and multilateral mechanisms, such as monitoring the transfer of funds, movement of procurement officers and crew, and tracking arms carriers, are paramount to control the threat.

Counter-measures

Considering existing and emerging trends, it is paramount for operational agencies and law enforcement authorities to develop measures to detect a terrorist threat at the planning and preparation phases. The most effective weapon against terrorism is intelligence. Target hardening to physical security measures can be deter-

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rents but are not guarantees against the current wave of terrorism. As such, the key to detection is terrorist penetration, especially in its decision-making structures using human and technical sources by national security and intelligence agencies. To checkmate terrorist sophistication—especially the use of the human courier to evade technical surveillance—governments need to develop effective agent handling programs.

While the Department for Disarmament Affairs has taken an important step forward in addressing these issues, there are areas where national governments need more work:

Generation of high-grade or high-quality intelligence to detect, interdict and disrupt terrorist procurement and shipping;

Harmonisation of legislation and improvement of judicial cooperation with a view to swiftly extraditing terrorist procurement officers, ship captains, crew and others engaged in terrorist-related procurement and shipping;

Confiscation of the assets of those who fund terrorism including terrorist procurement;

Deterrence of illicit procurement and shipping by instituting life imprisonment for ship captains, crew, procurement officers and terrorist weapons/combat trainers.

As the goal of terrorism is most often political, there are multiple approaches—both political and otherwise—towards managing the terrorist threat. At the core of terrorist procurement and terrorist operations is terrorist propaganda. Without disseminating terrorist propaganda, it is nearly impossible to recruit or raise funds. Despite the horrific events of 11 September, we are still far away from criminalizing the production and dissemination of terrorist propaganda. It is almost impossible to disrupt terrorist recruitment, financing and

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procurement, without dismantling terrorist propaganda infrastructure. As the international community is unwilling to target and erode terrorist propaganda infrastructure, governments can disrupt terrorist light weapons acquisition only at the critical three phases of banking, procurement and shipping. At present some of the most respectable banks are being used by terrorist groups to transfer funds for procurement and shipping operations.

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As the bulk of terrorists employ firearms or explosives, controlling their widespread availability is at the heart of reducing the scale of terrorist violence. During the next two to three decades the levels of production of light weapons by the global south is likely to exceed the levels of production in the global north. The lack of controls is likely to contribute to an increase in political and criminal violence. Similar to regulating production and supply, stemming the flow of terrorist finance, movement of weapons and ammunition as well as denying terrorists weapons training should be central to the counter-terrorist agenda. In addition to governments sharing each other's expertise and experiences, regional and international organisations must invest in far reaching diplomatic, political, economic and security efforts to assist national and multilateral initiatives.

Conclusion

Terrorists are adapting rapidly to the sweeping changes in the international environment. Instead of resisting globalisation, they are harnessing its forces. When under threat, terrorist support and operational infrastructure undergo displacement. Terrorists increase their resilience by moving rapidly in search of new opportunities. While operational agencies and law enforcement authorities are constrained by national jurisdictions, terrorists operate exploiting the gaps and the loopholes in the international system. In weapon procurement, transfers and training, this trend is evident. Therefore, for the fight against contemporary terrorism to be effective and enduring, state response must be multi-pronged, multi-agency, multidimensional and multinational.

* * *

Financing weapons acquisitions by terrorists

*Vladimir P. Salov**

I would like to focus on the interconnection between the disarmament agenda and the financing of terrorism. The tragic events of 11 September confirmed the global nature of terrorism, the scale of its threat to the life of the people in every country, every place on the planet, and its threat to international peace and stability.

So much has already been said about how we are entering a new historical period, a period of deep and critical changes in the world order, that it makes us rethink the basic principles and priorities of security. Does the new manifestation of international terrorism replace traditional disarmament aspects of security? Certainly not. The presentations made during this symposium confirm that. We will have to live in a world where old and new threats are closely connected. International terrorism has brought new content to the range of traditional security issues, from strategic stability to illicit trade in small arms and light weapons.

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The deep link between the combat against terrorism—that today has at its disposal a broad range of means and techniques, including biological materials—and disarmament policy requires strengthening the central role of multilateral institutions. The United Nations should be used to coordinate international efforts to create an adequate global response to new challenges and threats on the basis of international law.

The task of destroying the financial network of international terrorism has become a crucial element in the long-term fight against terrorism and a crucial factor in building broad and stable counter-terrorism coalitions. We view this problem in the wider context, paying special attention to the transnational links between terrorist and criminal organizations engaged in drug-trafficking and other criminal activities, such as money-laundering and illicit traffic in arms. It is urgent that the fight against terrorism be strengthened by joining its efforts with those of international anti-drug and anti-criminal organizations.

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Financing of weapons acquisition

The problem of financing the acquisition of different weapons by terrorists can be divided into two parts. On the one hand, we should look for solutions, try-

ing to take the necessary measures to curb the demand side, and to elaborate a comprehensive strategy to liquidate the financial network that supports terrorists. On the other hand, on the supply side, we need effective and adequate mechanisms to block access by terrorist organizations to different kinds of arms, including nuclear, biological and chemical materials. That puts on center stage the need to strengthen the non-proliferation regime, export control regimes and to gain greater control over the illicit trade in weapons.

The supply side

On the supply side, we face two basic problems. First, we still do not know enough about what the financial infrastructure of terrorism is and how it functions. It is a daunting task to make the picture clear. Terrorists get financial support not only from criminal activities, such as those I have already mentioned, drug trafficking and money-laundering, but a substantial part of the funds is provided by legal sources, that is, by legal business activity.

Another source of financial support are the activities of different ethnic and religious foundations. Also, fund-raising organizations may combine their social activity with the allocation of funds for terrorist purposes. It is a difficult chore, indeed, to draw the line between legal business and the illegal part of business, which is hidden. We should not ignore that most of these organizations are deeply rooted in their societies, representing religious and ethnic groups. What makes the situation even more complicated is that terrorist groups often use

non-banking transaction mechanisms and cash payments. One of the examples is the system called Al Hawala in the Middle East. As many experts have noted, it is widely used mainly for purchases of drugs and arms.

A serious analysis is required of legislative and other measures that could be taken to create effective tools to stem such financing of terrorism.

The second problem is that the existing system of financial control, both at the national and the international level, is aimed at blocking money-laundering, rather than at more specific tasks of detecting and blocking financial transactions used for terrorist activities. The system is, obviously, inadequate in the face of the new tasks. The work to transform it will require new forms of international cooperation and probably some serious reforms in the world financial system.

International mechanism to block financing

The Russian Government actively supports the efforts of the international community to create an effective mechanism coordinated by the United Nations with the aim of blocking financial support feeding international terrorism. It is ready to implement all the obligations incumbent upon it in pursuance of Security Council resolution 1373. Presently, a special decree of the President of the Russian Federation is being elaborated and some legislative amendments are under design to meet the obligations of the resolution. At the same time, we are going to ratify as soon as possible the International Convention for the Suppression of the Financing of Terrorism of 1999.

The ratification of the convention by an increasing number of countries certainly would work towards strengthening the international legal regime of combating terrorism.

We support enhancing international cooperation to cut out the financial roots of terrorism, working both on the multilateral and bilateral bases. This involves effective cooperation with, for instance, the United States, the OSCE, the Council of Europe and the Commonwealth of Independent States. These organizations will be making their contribution to the struggle against terrorism. Cooperation within the G-8 is also essential, as its mechanism in this area has been proven to be very effective in consultations on the various practical aspects of combating terrorism.

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Activation of existing multilateral regimes

At the same time, we stand for reactivating disarmament mechanisms in the face of the terrorist threat. The latest wave of bio-terrorism stresses the importance of continuing multilateral efforts to conclude the work on the verification protocol of the Convention on Biological Weapons.

Russia has taken every possible step to strengthen national non-proliferation regimes and is ready to cooperate on these issues at the international level. In the context of new threats, an important task is to speed up the work on the international convention for the suppression of acts of nuclear terrorism. The draft was initially presented by the Russian Federation and we see work on this convention as a very important task in the anti-terrorist strategy. We also intend to continue to work in accordance with the programme adopted by the 2001 UN Conference on the Illicit Trade in Small Arms and Light Weapons and are ready to consult interested countries on particular issues.

The tasks of combating terrorism and disarmament should not be viewed separately on the security agenda. We should make every attempt to integrate them into one security effort, with a view to making the global system capable of reacting to new challenges effectively and in time. This is a task of utmost importance to make our world safe and stable.

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